

**ENTERED**

April 13, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ABELARDO G GONZALEZ,

Plaintiff,

VS.

I TAYLOR,

Defendant.

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CIVIL ACTION NO. 2:15-CV-46

**ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S  
MOTION FOR A TRANSCRIPT**

This case involves Plaintiff's civil suit against a property officer employed at TDCJ-CID's McConnell Unit for loss and delay of his property when he was transferred to another TDCJ prison facility. His case was dismissed as frivolous on January 5, 2016 (D.E. 40, 41), and his motion to alter or amend the judgment was denied on February 29, 2016 (D.E. 48). Plaintiff timely filed his Notice of Appeal and was granted leave to proceed *in forma pauperis* on appeal (D.E. 42, 47). Pending is plaintiff's motion for preparation of transcripts at the expense of the United States (D.E. 51). After due consideration, the motion is denied.

Fees for transcripts furnished to persons permitted to appeal in forma pauperis shall be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). 28 U.S.C. § 753(f). Plaintiff still has not specified which issues he plans to raise on appeal; thus the court cannot determine whether the appeal is frivolous. Payment by the United States for printing of the record on appeal and transcripts may also be ordered if the record or transcript is

required by the appellate court. 28 U.S.C. § 1915(c); *Harvey v. Andrist*, 754 F.2d 569, 571 (5th Cir.), *cert. denied*, 471 U.S. 1126, 105 S.Ct. 2659 (1985). The Fifth Circuit Court of Appeals has not indicated that a transcript of any of the hearings in this case is required.

Accordingly, plaintiff's motion for preparation of the transcript at the expense of the United States (D.E. 51) is denied without prejudice.

ORDERED this 13th day of April, 2016.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE